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FILE ONLY

Westmoreland helped in trial

Colonel rebuts some testimony

By Michael Coakley
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NEW YORK—Providing a boost to Gen. William Westmoreland, an Army colonel who was an intelligence officer in the Vietnam War said Tuesday that he and other analysts had assured the American commander that North Vietnamese infiltration was at a relatively low level in the months before the Tet offensive of early 1968.

Testifying at the trial to decide Westmoreland's \$120 million libel suit against CBS, Col. John Stewart explained that he had relied upon conventional methods in assessing enemy strength.

On Monday, the jury in the case had heard testimony from another intelligence officer who said he had told his superiors at the time that he believed the infiltration rate into South Vietnam to be 20,000 to 30,000 during the months in question.

Challenging that assessment, Stewart argued that he and other key intelligence advisers to Westmoreland had been convinced that the monthly rate had been no higher than 5,000 to 8,000 throughout the autumn of 1967.

THIS DISAGREEMENT over the numbers lies at the heart of a dispute that has turned into what is being called the most significant libel trial of this century.

CBS News contended in a 1982 documentary that the movement of North Vietnamese troops into the south had become sizable by late 1967, running at about 25,000 a month. The network also said that intelligence officers at the "highest levels" had conspired to minimize enemy strength in the year before the surprise Tet campaign.

Westmoreland claims that the broadcast defamed him by saying that he lied to President Lyndon Johnson and the Joint Chiefs of Staff about the size of North Vietnamese and Viet Cong forces.

Choosing his words carefully, Stewart portrayed his boss as a taskmaster who demanded accurate information—and the source of that information.

Stewart said he frequently briefed Westmoreland, who conducted "very businesslike briefings and asked terse, tough questions."

Recounting one November meeting in which Westmoreland

had grilled Stewart and a few other intelligence experts, the colonel said he recalls having to admit to the commander that his estimate of one North Vietnamese unit's size was based on the "SWAG principle." The courtroom erupted in laughter as he defined that concept as "a scientific, wild-ass guess."

UNDER ONLY occasionally sharp cross-examination by CBS attorney David Boies, Stewart acknowledged that he had said in a deposition given earlier this week that about 55 to 65 percent of the enemy forces in South Vietnam at that time were North Vietnamese regulars.

In Tuesday's testimony, he altered that judgment, saying he could make no estimate regarding the percentage of North Vietnamese. "It was a guess that I gave you a couple of days ago," he said.

Stewart also suggested that no more than 45,000 to 50,000 enemy forces were left in South Vietnam in mid-February, 1968, as the Tet offensive concluded. It was a campaign in which the North Vietnamese and Viet Cong had sustained heavy casualties and had failed to meet their military objective of taking control of a major South Vietnamese city.

Westmoreland said at the time that Tet had amounted to a major victory for the Allied forces.

The size and extent of the Tet attacks, however, shocked the American public and were considered a factor in Johnson's decision not to run for a second term. They also brought record numbers of protesters into U.S. streets and escalated antiwar sentiment in Congress.

Attorney Boies on Tuesday read to the jury a report from Westmoreland's headquarters dated March, 1967, that estimated enemy troop strength at 122,000 only a month after the period in which, according to Stewart's testimony, it had shrunk to no more than 50,000.

Asked about this contradiction, Stewart argued that the March headquarters report had been based on information that was not up to date.

Cross-examination of Stewart was to resume Wednesday. Testimony did not begin Tuesday until the afternoon to allow the lawyers, jurors and others to vote.